

SENATE, No. 234

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SAMUEL D. THOMPSON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Transfers New Jersey State Forestry Services and related entities to Department of Agriculture.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** transferring the New Jersey State Forestry Services and
2 other related entities from the Department of Environmental
3 Protection to the Department of Agriculture, and supplementing
4 Title 4 of the Revised Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

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9 1. As used in this act:

10 “Commissioner” means the Commissioner of Environmental
11 Protection.

12 “Director” means the director of the Division of Parks and
13 Forestry in the Department of Environmental Protection.

14 “Forestry activity” means any forestry or silviculture activity
15 carried out to create, protect, conserve, harvest, monitor, study, or
16 otherwise manage trees or forested areas of the State.

17 “New Jersey State Forestry Services” means the State agency
18 heretofore in the Division of Parks and Forestry in the Department
19 of Environmental Protection, now transferred to the Department of
20 Agriculture pursuant to section 2 of this act, that has heretofore
21 administered the forestry activities of the division, notwithstanding
22 any instances in law or elsewhere that may refer to the New Jersey
23 State Forestry Services by a different name.

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25 2. a. The New Jersey State Forestry Services in the Division of
26 Parks and Forestry in the Department of Environmental Protection,
27 together with all its functions, powers, duties, programs,
28 subdivisions, and other entities, is continued as the New Jersey
29 State Forestry Services in the Department of Agriculture.
30 Whenever any law, rule, regulation, order, contract, proceeding or
31 document makes reference to the New Jersey State Forestry
32 Services in the Division of Parks and Forestry in the Department of
33 Environmental Protection, the reference shall be read to mean the
34 New Jersey State Forestry Services in the Department of
35 Agriculture.

36 b. All the functions, powers, duties, programs, subdivisions,
37 and other entities of the Department of Environmental Protection,
38 or the Division of Parks and Forestry therein, that pertain to forestry
39 activities heretofore administered by the New Jersey State Forestry
40 Services, are continued in the Department of Agriculture.
41 Whenever any law, rule, regulation, order, contract, proceeding or
42 document makes reference to the Department of Environmental
43 Protection or the Division of Parks and Forestry therein, regarding
44 an agency function, power, duty, or program that pertains to
45 forestry activities heretofore administered by the New Jersey State
46 Forestry Services, the reference shall be read to mean the
47 Department of Agriculture.

1 c. All the functions, powers, and duties of the commissioner or
2 director, or any agent thereof, that pertain to forestry activities
3 heretofore administered by the New Jersey State Forestry Services,
4 are continued in the Secretary of Agriculture. Whenever any law,
5 rule, regulation, order, contract, proceeding or document makes
6 reference to the commissioner or director regarding a function,
7 power, or duty of the commissioner or director that pertains to
8 forestry activities heretofore administered by the New Jersey State
9 Forestry Services, the reference shall be read to mean the Secretary
10 of Agriculture.

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12 3. The State Forester in the Department of Environmental
13 Protection, established pursuant to section 17 of P.L.1983,
14 c.324 (C.13:1L-17), together with all the functions, powers, and
15 duties thereof, is continued as the State Forester in the Department
16 of Agriculture. Whenever in any law, rule, regulation, or order the
17 term State Forester in the Department of Environmental Protection
18 is used, the term shall mean State Forester in the Department of
19 Agriculture. Whenever any law grants the Department of
20 Environmental Protection, or the commissioner thereof, review,
21 control, or power over or relating to the State Forester, that review,
22 control, or power shall be exercised by the Department of
23 Agriculture, or the secretary thereof.

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25 4. The New Jersey Board of Tree Experts in the Department of
26 Environmental Protection, established pursuant to section 3 of
27 P.L.2009, c.237 (C.45:15C-13), together with all its functions,
28 powers, duties, subdivisions, and other entities, is continued as the
29 New Jersey Board of Tree Experts in the Department of
30 Agriculture. Whenever in any law, rule, regulation, or order the
31 term New Jersey Board of Tree Experts in the Department of
32 Environmental Protection is used, the term shall mean New Jersey
33 Board of Tree Experts in the Department of Agriculture. Whenever
34 any law grants the Department of Environmental Protection, or the
35 commissioner thereof, review, control, or power over or relating to
36 the New Jersey Board of Tree Experts, that review, control, or
37 power shall be exercised by the Department of Agriculture, or the
38 secretary thereof.

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40 5. The Community Forestry Council in the Department of
41 Environmental Protection, established pursuant to section 5 of
42 P.L.1996, c.135 (C.13:1L-17.5), together with all its functions,
43 powers, duties, subdivisions, and other entities, is continued as the
44 Community Forestry Council in the Department of Agriculture.
45 Whenever in any law, rule, regulation, or order the term
46 Community Forestry Council in the Department of Environmental
47 Protection is used, the term shall mean the Community Forestry
48 Council in the Department of Agriculture. Whenever any law

1 grants the Department of Environmental Protection, or the
2 commissioner thereof, review, control, or power over or relating to
3 the Community Forestry Council, that review, control, or power
4 shall be exercised by the Department of Agriculture, or the
5 secretary thereof.

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7 6. The Forest Stewardship Advisory Committee in the
8 Department of Environmental Protection, established pursuant to
9 section 8 of P.L.2009, c.256 (C.13:1L-36), together with all its
10 functions, powers, duties, subdivisions, and other entities, is
11 continued as the Forest Stewardship Advisory Committee in the
12 Department of Agriculture. Whenever in any law, rule, regulation,
13 or order the term Forest Stewardship Advisory Committee in the
14 Department of Environmental Protection is used, the term shall
15 mean the Forest Stewardship Advisory Committee in the
16 Department of Agriculture. Whenever any law grants the
17 Department of Environmental Protection, or the commissioner
18 thereof, review, control, or power over or relating to the Forest
19 Stewardship Advisory Committee, that review, control, or power
20 shall be exercised by the Department of Agriculture, or the
21 secretary thereof.

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23 7. The Forest Health Advisory Council in the Department of
24 Environmental Protection, established pursuant to section 2 of
25 P.L.2007, c.44 (C.13:1L-27), together with all its functions, powers,
26 duties, subdivisions, and other entities, is continued as the Forest
27 Health Advisory Council in the Department of Agriculture.
28 Whenever in any law, rule, regulation, or order the term Forest
29 Health Advisory Council in the Department of Environmental
30 Protection is used, the term shall mean the Forest Health Advisory
31 Council in the Department of Agriculture. Whenever any law
32 grants the Department of Environmental Protection, or the
33 commissioner thereof, review, control, or power over or relating to
34 the Forest Health Advisory Council, that review, control, or power
35 shall be exercised by the Department of Agriculture, or the
36 secretary thereof.

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38 8. The transfers provided for pursuant to this act shall be
39 subject to the provisions of the "State Agency Transfer Act,"
40 P.L.1971, c.375 (C.52:14D-1 et seq.). All records, equipment and
41 other personal property, appropriations, and any unexpended
42 balances of funds appropriated or otherwise available to the New
43 Jersey State Forestry Services or other transferred entity, shall be
44 transferred to the Department of Agriculture pursuant to the "State
45 Agency Transfer Act."

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47 9. This act shall take effect immediately.

STATEMENT

This bill transfers from the Department of Environmental Protection to the Department of Agriculture:

- 1) the New Jersey State Forestry Services in the Division of Parks and Forestry;
- 2) the State Forester;
- 3) the New Jersey Board of Tree Experts;
- 4) the Community Forestry Council;
- 5) the Forest Stewardship Advisory Committee; and
- 6) the Forest Health Advisory Council.